

**Gregory Payne
Docket No. 07.01-115578J**

The Background:

Upon receiving notice of the Board's intent to revoke his license, Mr. Payne requested a hearing, and a case was docketed with the Administrative Procedures Division. The Administrative Law Judge assigned to the case rendered a judgment in favor of the Respondent, Mr. Payne.

Counsel for the State Board of Education appealed the initial order on April 23, 2012.

Pursuant to the Tennessee Uniform Administrative Procedures Act, the Board is required to hear petitioner's appeal and render a final order or an order remanding the matter for further proceedings within sixty (60) days after receipt of briefs and oral argument, unless that period is waived or extended with the written consent of all parties or for good cause shown. Pursuant to Tenn. Code Ann. §§ 4-5-314 and 315, the Board may take any one of the following actions:

1. Adopt- in whole or in part- the initial order as the final order.
2. Enter a new final order, with findings of fact and conclusions of law.
3. Remand the matter to the administrative judge with specific instructions for further proceedings.

The Recommendation:

The Board must rule within 60 days of receipt of briefs. The ruling is to be made based on the attached technical record. Neither counsel for the board nor Mr. Payne will be allowed to present oral arguments. Counsel for the board and Mr. Payne will be able to submit additional briefs not to exceed 5 pages in length.

Counsel from the State Department of Education will be available to answer procedural questions.

The technical record, including the Initial Order is attached, in reverse chronological order.

The Board staff review committee recommends entering a new final order with findings of fact and conclusions of law, and thereby reversing the decision of the Administrative Law Judge which will revoke Mr. Payne's teaching license.